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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,900	09/04/2003	Jih-Jong Shiue	JCLA11392	7662

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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

EXAMINER

ZEWARI, SAYED T

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/655,900	Applicant(s) SHIUE ET AL.	
	Examiner Sayed T. Zewari	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-5 is/are allowed.
- 6) ☐ Claim(s) 6-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6-13 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charlier (US 6,934,568) in view of Hayashi (US 6,650,913)

With respect to claim 6, Charlier discloses a handheld electronic device comprised of a base and a cover having a display thereon. Furthermore, Charlier discloses a shiftable pivot structure slideably mounted in the base and pivotably connecting with the cover at a pivotal connection point (See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15). However, Charlier does not specifically disclose a keypad on the base. But Hayashi discloses a handheld electronic device comprised of a base having a keypad thereon (See Hayashi figure 2(101), col.4 lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention disclosed by Charlier and have a base with a keypad, as discussed by Hayashi, therefore by combining the two providing a durable and lasting foldable handheld device, as disclosed by Charlier (See Charlier col.2 lines 18-19).

With respect to claim 18, Charlier discloses a method of using a handheld wireless communication device which has a base and a cover and the cover having a display thereon, a shiftable pivot structure slideably mounted in the base between first and second positions and pivotably connecting with the cover at a pivotal connecting point, wherein when the shiftable pivot structure is at the first position, the pivotal connecting point is located in the base and when the shiftable pivot structure is at the second position, the pivotal connecting point is located outside the base, the method comprising: (a) moving the shiftable pivot structure from the first position to the second position when the cover is closed to the base; and (b) pivoting the cover about the pivotal connecting point in a direction that the cover is away from the base to thereby open the cover to a position that the handheld wireless communication device can be operated. However, Charlier does not specifically disclose a keypad. But Hayashi discloses a method of using a handheld wireless communication device which has a base having a keypad thereon (See Hayashi figure 2(101, 102), col.4 lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention disclosed by Charlier and by combining the two provide a keypad and a durable and lasting foldable handheld device, as disclosed by Charlier (See Charlier col.2 lines 18-19).

With respect to claim 7, Charlier discloses a handheld electronic device wherein the base defines a pivotal accommodation groove receiving the shiftable pivot structure therein (See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15).

With respect to claim 8, Charlier discloses a handheld electronic device wherein the pivotal accommodation groove extends through an end of the base to define an opening therein (See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15).

With respect to claim 9, Charlier discloses a handheld electronic device wherein the pivotal connection point between the shiftable pivot structure and the cover is movable between a first position in which the pivotal connection point is located inside the pivotal accommodation groove and a second position in which the pivotal connection point is located outside the pivotal accommodation groove (See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15).

With respect to claim 10, Charlier discloses a handheld electronic device wherein the pivotal connection point is moved from the first position to the second position groove through the opening (See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15).

With respect to claim 11, Charlier discloses a handheld electronic device wherein when the pivotal connection point is located at the second position, the cover is pivotal relative to the base (See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15).

With respect to claim 12, Charlier discloses a handheld electronic device wherein the cover has a first pivot sleeve and the shiftable pivot structure has a second pivot sleeve, a shaft extending in the first and second pivot sleeves to pivotably connect the cover and the shiftable pivot structure together (See Charlier figure 4).

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With respect to claim 13, Charlier disclose a handheld electronic device wherein the shiftable pivot structure has a U-shaped configuration (See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15).

With respect to claim 19, Charlier discloses a method comprising of pivoting the cover about the pivotal connecting point in a direction that the cover is toward the base to thereby close the cover; and moving the shiftable pivot structure from the second position to the first position (See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15).

With respect to claim 20, Charlier discloses a method wherein the cover comprises a first pivot sleeve and the shiftable pivot structure comprises a second pivot sleeve, a shaft extending in the first and second pivot sleeves to pivotably connect the cover and the shiftable pivot structure together (See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15).

With respect to claim 21, Charlier discloses a method wherein the shiftable pivot structure has a U-shaped configuration (See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15).

Allowable Subject Matter

Claims 1-5 and 14-17 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shin Patent No. 6,973,186 discloses a slide type mobile phone using slide module.

SanGiovanni Patent No. 6,850,784 discloses a modular two body design for integration of mobile computing device features with a wireless communication device.

Lim Patent No. 6,628,974 discloses a folder operating apparatus for cellular phone.

Kim et al. Patent No. 6,980,840 discloses a drawer type mobile phone.

Kaneko Patent Publication No. 2003/0,162,560 discloses a folding cellular phone and slide cellular phone.

Okuda et al Patent No. 6,819,947 discloses a foldable portable telephone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sayed T. Zewari

January 27, 2006



NICK CORSARO
PRIMARY EXAMINER